

[Skip to main content](#)**1272CV00638 Lew Administrator, David vs. Meredith Gilson M.D. et al**

- Case Type
- Torts
- Case Status
- Open
- File Date
- 11/02/2012
- DCM Track:
- A - Average
- Initiating Action:
- Wrongful Death - Non-medical, G.L.c.229, §2A
- Status Date:
- 06/19/2013
- Case Judge:
- 
- Next Event:
- 

[All Information](#)
[Party](#)
[Event](#)
[Tickler](#)
[Docket](#)
[Disposition](#)

**Party Information**

**Lew Administrator, David**  
- Plaintiff

**Alias****Party Attorney**

- Attorney
- Cappiello, Esq., Nicholas Daniel
- Bar Code
- 667856
- Address
- Lubin & Meyer, P.C.
- 100 City Hall Plaza
- Boston, MA 02108
- Phone Number
- (617)720-4447
- Attorney
- Carucci, Esq., John David
- Bar Code
- 685874
- Address
- Lubin and Meyer, P.C.
- 100 City Hall Plaza 4th Floor
- Boston, MA 02108
- Phone Number
- (617)720-4447
- Attorney
- Duchesneau, Esq., Barrie E
- Bar Code
- 673794
- Address
- Lubin and Meyer PC
- 100 City Hall Plaza Suite 400
- Boston, MA 02108
- Phone Number
- (617)720-4447
- Attorney
- Higgins, Esq., Robert M
- Bar Code
- 567229
- Address
- Lubin & Meyer, P.C.
- 100 City Hall Plaza
- Boston, MA 02108
- Phone Number
- (617)720-4447
- Attorney
- Meyer, Jr., Esq., Andrew C
- Bar Code
- 344300
- Address

- Lubin & Meyer  
100 City Hall Plaza 4th Floor  
Boston, MA 02108
- Phone Number  
(617)720-4447

[More Party Information](#)**Meredith Gilson M.D.**

- Defendant

**Alias****Party Attorney**

- Attorney
- Cohen, Esq., Ellen Epstein
- Bar Code
- 543136
- Address
- Adler Cohen Harvey Wakeman & Guekguezian LLP  
75 Federal St  
75 Federal Street  
Boston, MA 02110
- Phone Number
- (617)423-6674
- Attorney
- Pimentel, Esq., Megan Grew
- Bar Code
- 654847
- Address
- Adler Cohen Harvey Wakeman & Guekguezian LLP  
75 Federal St  
Boston, MA 02110
- Phone Number
- (617)423-6674

[More Party Information](#)**Dallacosta R.N., Denise**

- Defendant

**Alias****Party Attorney**

- Attorney
- Hinchey, Esq., Edward Thomas
- Bar Code
- 235090
- Address
- Sloane & Walsh  
1 Center Plaza  
Boston, MA 02108
- Phone Number
- (617)523-6010
- Attorney
- Knight, Esq., Lydia Carleton
- Bar Code
- 684414
- Address
- Sloane and Walsh, LLP  
One Center Plaza  
Boston, MA 02108
- Phone Number
- (617)523-6010
- Attorney
- Oldenhoff, Esq., Tanya Kim
- Bar Code
- 651006
- Address
- Sloane and Walsh  
One Center Plaza  
Boston, MA 02108
- Phone Number
- (617)523-6010

[More Party Information](#)**PMG Physician Associates, P.C.**

- Defendant

**Alias****Party Attorney**

- Attorney
- Buoniconti, Esq., Daniel J
- Bar Code
- 640139
- Address
- Foster & Eldridge, LLP  
300 Trade Center

- Suite 2610
- Woburn, MA 01801
- Phone Number
- (617)252-3366
- Attorney
- McLachlan, Esq., Alexis D
- Bar Code
- 656361
- Address
- Davids And Cohen PC
- 40 Washington St
- Wellesley Hills, MA 02481
- Phone Number
- (781)416-5055

[More Party Information](#)

**Charles S Lipson MD**  
- Other interested party

Alias

Party Attorney

[More Party Information](#)

**Strumski Jr Esq, Joseph F**  
- Other interested party

Alias

Party Attorney

[More Party Information](#)

**Carr, Donna**  
- Other interested party

Alias

Party Attorney

[More Party Information](#)

## Events

<u>Date</u>	<u>Session</u>	<u>Location</u>	<u>Type</u>	<u>Event Judge</u>	<u>Result</u>
06/19/2013 10:00 AM	Second Session		Malpractice Tribunal		Held as Scheduled
01/22/2016 11:00 AM	Second Session	Courtroom 2	Final Pre-Trial Conference		Held as Scheduled
10/02/2017 09:00 AM	Second Session		Jury Trial		Not Held
10/06/2017 10:00 AM	Second Session	Courtroom 2	Trial Assignment Conference		Held as Scheduled
06/03/2019 09:00 AM	Second Session		Jury Trial		Held as Scheduled
06/04/2019 09:00 AM	Second Session	Courtroom 2	Jury Trial	Cannone, Hon. Beverly J	Held as Scheduled
06/05/2019 09:00 AM	Second Session	Courtroom 2	Jury Trial	Cannone, Hon. Beverly J	Held as Scheduled
06/06/2019 09:00 AM	Second Session	Courtroom 2	Jury Trial	Cannone, Hon. Beverly J	Held as Scheduled

## Ticklers

<u>Tickler</u>	<u>Start Date</u>	<u>Due Date</u>	<u>Days Due</u>	<u>Completed Date</u>
Service	11/02/2012	01/31/2013	90	01/03/2013
Answer	11/02/2012	03/04/2013	122	01/31/2013
Rule 12/19/20 Served By	11/02/2012	03/01/2013	119	01/29/2016
Rule 12/19/20 Filed By	11/02/2012	04/01/2013	150	01/29/2016
Rule 12/19/20 Heard By	11/02/2012	05/01/2013	180	01/29/2016
Rule 15 Served By	11/02/2012	12/27/2013	420	01/29/2016
Rule 15 Filed By	11/02/2012	01/24/2014	448	01/29/2016
Rule 15 Heard By	11/02/2012	01/24/2014	448	01/29/2016
Discovery	11/02/2012	10/23/2014	720	10/23/2014
Rule 56 Served By	11/02/2012	11/24/2014	752	11/24/2014
Rule 56 Filed By	11/02/2012	12/22/2014	780	12/22/2014

<u>Tickler</u>	<u>Start Date</u>	<u>Due Date</u>	<u>Days Due</u>	<u>Completed Date</u>
Final Pre-Trial Conference	11/02/2012	04/21/2015	900	01/22/2016
Judgment	11/02/2012	10/18/2015	1080	
Status Review	01/29/2016	09/25/2017	605	09/28/2017

**Docket Information**

<u>Docket Date</u>	<u>Docket Text</u>	<u>File Ref Nbr.</u>
11/02/2012	COMPLAINT with jury claim t & civil action cover sheet filed	1
11/02/2012	Origin 1, Type B08, Track A.	
11/02/2012	Filing fee paid in the amount of \$275.00 including \$15.00 surcharge and \$20.00 security fee.	
12/24/2012	APPEARANCE: Attys Ellen Epstein Cohen, Brooks L Glahn's notice of appearance for Meredith Gilson M.D.	2
12/24/2012	SERVICE RETURNED: (Questionable service/ outdated summons) Meredith Gilson M.D. (Defendant) in hand to Janelle, authorized agent accepting civil process	3
12/27/2012	SERVICE RETURNED: (Questionable service/ outdated summons) Denise Dallacosta R.N.(Defendant) in hand to Ms Ross agent on 12/18/2012	4
01/03/2013	SERVICE RETURNED: (Questionable service/outdated summons) PMG Physician Associates, P.C.(Defendant) made in hand to Laura Romanelli, agent, on 12/14/12	5
01/17/2013	ANSWER: (Defendant) Denise Dallacosta R.N. with jury demand by Edward T Hinchey	6
01/17/2013	APPEARANCE: Atty Tanya K. Oldenhoff for Defendant, Denise Dallacosta R.N.	7
01/17/2013	APPEARANCE: Atty Lydia C Knight for Defendant, Denise Dallacosta R.N.	8
01/17/2013	TRIBUNAL REQUEST by Defendant, Denise Dallacosta RN for medical malpractice tribunal	9
01/28/2013	ANSWER: PMG Physician Associates, P.C. with jury claim by Joan Eldridge	10
01/31/2013	ANSWER: (Defendant) Meredith Gilson M.D. with jury demand by Brooks L Glahn	11
01/31/2013	TRIBUNAL REQUEST by Defendant Meredith Gilson M.D. for medical malpractice tribunal (Family Medicine Physician or Internist)	12
03/22/2013	MOTION by Defendant, Denise Dallacosta RN, to Inspect Autopsy Records of Jason Lew	13
03/22/2013	MOTION by Defendant, Denise Dallacosta RN, to Inspect Records and Evidence from the Bourne Police Department; affidavit of no opposition to either motion	13.1
03/29/2013	Motion (P#13) ALLOWED (Robert C. Rufo, Justice) Notices mailed 4/1/2013 ACM, EEC, LCK, JE	
03/29/2013	Motion (P#13.1) ALLOWED (Robert C. Rufo, Justice) Notices mailed 4/1/2013 to ACM, EEC, LCK, JE	
03/29/2013	ORDER for inspection of plaintiff's autopsy records from the Office of the Chief Medical Examiner (Robert C. Rufo, Justice)(copy to ACM, JE, EEC, LCK 4/1/13)	14
03/29/2013	ORDER for inspection of Police Records from the Bourne Police Dept. (Robert C. Rufo, Justice)(copy to ACM, EEC, JE, LCK 4/1/13)	15
04/05/2013	Applications (3) of defendant, Meredith Gilson M.D. for Jason Lew's hospital records from Brigham & Women's Hospital, Falmouth Hospital and Cape Cod Hospital approved Nancy Weir Asst. Clerk	16
05/15/2013	ORDER for medical malpractice tribunal on June 19, 2013, at 10:00 am (Christine M. Higginbotham, Deputy Asst. Clerk) (copy to ACM, EEC, BLG, ETH, JE, CSL, JFS)	20
06/06/2013	Plaintiff files offer of proof	

<a href="#">Docket Date</a>	<a href="#">Docket Text</a>	<a href="#">File Ref Nbr.</a>
06/19/2013	MEDICAL Malpractice tribunal reports (3): as to Meredith Gilson M.D., Denise Dallacosta R.N., and PMG Physician Associates, P.C. that there is sufficient evidence to raise a legitimate question as to liability appropriate for judicial inquiry. (Robert C. Rufo, Justice) Copies mailed 7/01/2013 to ACM, EEC, ETH, JE	22
06/19/2013	CERTIFICATION of Medical Records by deft., Daniel J. Buoniconti, Esq.	21
07/01/2013	NOTICE sent to Board of Registration in Medicine with copy of findings and complaint	23
12/02/2015	Notice to Appear for Final Pre-Trial Conference Sent for 1/22/16 @ 11:00 a.m. to TO, JE,	24
01/22/2016	APPEARANCE ENTERED On this date Alexis D McLachlan, Esq. added for Defendant PMG Physician Associates, P.C.	25
01/22/2016	Joint Pre-Trial Memorandum filed:	26
01/22/2016	Pre-Trial ORDER:  Trial with jury wrongful death 10 days scheduled ofr 10/2/17 (A-4), Joint pre-Trial memo p#26, out of state witnesses (CA & GA)	27
01/29/2016	ORDER: TRIAL ORDER issued by Nickerson, J. sent this date to ACM, ETH, EEC & ADM	28
03/13/2017	Defendant Denise Dallacosta R.N.'s Motion for leave to file supplement to Joint Pre-trial memorandum	29
03/13/2017	Affidavit of compliance with Superior Court Rule 9A  Applies To: Dallacosta R.N., Denise (Defendant)	29.1
03/17/2017	Endorsement on Motion to (#29.0): file supplement to Joint Pre-trial memorandum ALLOWED Original supplement to be docketed (copy mailed to ACM, BLG, EEC, ETH, TKO, JE, ADM)	
03/17/2017	Defendant Denise Dallacosta R.N.'s Supplement to Joint Pre-trial memorandum	30
05/01/2017	APPEARANCE: On this date Sheila T. Giovannini, Esq. added for Defendant Meredith Gilson M.D.	31
05/01/2017	WITHDRAWAL: On this date Brooks Lawrence Glahn, Esq. dismissed/withdrawn as Private Counsel for Defendant Meredith Gilson M.D.	32
05/30/2017	Pleading titled, Notice of Withdrawal, filed with the court on 05/26/2017, returned to Joan Eldridge, Esq. Joan Eldridge needs to sign her own withdrawal.	
06/14/2017	APPEARANCE: Attorney appearance on this date Megan Grew Pimentel, Esq. added as Private Counsel for Defendant Meredith Gilson M.D.	33
06/14/2017	WITHDRAWAL: On this date Sheila T. Giovannini, Esq. withdrawn as Private Counsel for Defendant Meredith Gilson M.D.	34
08/07/2017	WITHDRAWAL OF APPEARANCE of Joan Eldridge, Esq., for PMG Physician Associates, P.C.	35
09/05/2017	Pleading titled, Joint Pre-Trial Memorandum along with the Plaintiff's Expert Witness Certification, filed with the court on 09/05/2017, returned to Andrew C Meyer, Jr., Esq. David Lew Administrator File in Accordance with Rule 9A	
09/11/2017	Meredith Gilson M.D., Denise Dallacosta R.N., PMG Physician Associates, P.C.'s MOTION for appointment of Other Allyson Pollier as Temporary Official Stenographer for the Trial	36
09/11/2017	Affidavit of compliance with Superior Court Rule 9A (no opposition) with List of Documents and Certificate of Service.  Applies To: Pimentel, Esq., Megan Grew (Attorney) on behalf of Meredith Gilson M.D. (Defendant)	36.1
09/18/2017	Plaintiff David Lew Administrator's Assented to Motion to Supplement the Joint Pre-Trial Memorandum	37
09/21/2017	Endorsement on Motion to (#37.0): Supplement the Joint Pre-Trial Memorandum ALLOWED (See image for endorsement). (Need original signed Expert Witness Certification) Clerk's Notices mailed on 09/22/2017 to RMH, MGP, TKO and ADM.	
09/22/2017	Joint Pre-Trial Memorandum filed:  Plaintiff's Supplement to Joint Pre-Trial Memorandum	38
09/28/2017	The following form was generated:Notice to Appear Sent On: 09/28/2017 to BED, EEC, MGP, ETH, TKO & DJB	

<a href="#">Docket Date</a>	<a href="#">Docket Text</a>	<a href="#">File Ref Nbr.</a>
10/06/2017	ORDER: After a Trial Assignment Conference, IT IS ORDERED; Jury Trial first case out (2 weeks) 6/3/19, Final Pre-trial conference 5/24/19 @ 10:00 a.m. Motions in limine served by 5/10/19; filed by 5/17/19. copy to: BD,EC,EO,DB 10/6/17.  Judge: Perrino, Thomas J	39
10/11/2017	The following form was generated: Notice to Appear for Trial Sent On: 10/11/2017 BED, DJB, ETH, EEC & TKO	
01/08/2018	Plaintiff David Lew Administrator's Supplement to Joint Pre-Trial Memorandum	40
05/20/2019	Defendant PMG Physician Associates, P.C.'s Motion in limine to Require the Parties to Give Forty-Eight Hours Notice prior to calling any witness at Trial	41
05/20/2019	Defendant PMG Physician Associates, P.C.'s Motion in limine to Dismiss Plaintiff's Counts for Breach of Contract and Implied Warranties	41.1
05/20/2019	Defendant PMG Physician Associates, P.C.'s Motion in limine to Compel Plaintiff to disclose, prior to the Close of Evidence, any specific monetary amount that plaintiff intends to suggest to the Jury on the issue of Damages	41.2
05/20/2019	Defendant PMG Physician Associates, P.C.'s Motion in limine to Bar Evidence of Grief, Anguish and/or Bereavement	41.3
05/20/2019	Defendant PMG Physician Associates, P.C.'s Motion in limine to preclude Evidence of Gross Negligence	41.4
05/20/2019	Defendant PMG Physician Associates, P.C.'s Motion in limine to preclude Unqualified Medical Opinions and Hearsay Testimony	41.5
05/20/2019	Defendant PMG Physician Associates, P.C.'s Motion in limine to preclude Evidence of Lack of Informed Consent	41.6
05/20/2019	Defendant PMG Physician Associates, P.C.'s Motion in limine to Bar Plaintiff from Referencing Liability Insurance	41.7
05/20/2019	Defendant PMG Physician Associates, P.C.'s Motion in limine to Bar Reference or Evidence of Prior Claims or Disciplinary Actions	41.8
05/20/2019	Defendant PMG Physician Associates, P.C.'s Motion in limine to Bar Reference to Claims or Suits against expert witnesses	41.9
05/20/2019	Defendant PMG Physician Associates, P.C.'s Motion in limine for Various Matters	41.11
05/20/2019	Affidavit of No Opposition	41.12
05/24/2019	Request for Jury instructions filed by Plaintiff David Lew Administrator	42
05/24/2019	Plaintiff David Lew Administrator's Motion in limine as to various irrelevant matters	43
05/24/2019	Opposition to (P#41.6) Deft., PMG Physicians motion in limine to preclude evidence of lack of informed consent filed by David Lew Administrator	44
05/24/2019	Juror Voir Dire questions filed by: Plaintiff David Lew Administrator	45
05/24/2019	Witness list  Applies To: Lew Administrator, David (Plaintiff)	46
05/29/2019	Defendant Denise Dallacosta R.N.'s Motion in limine to preclude plaintiff's gross negligence claim	47
05/29/2019	Defendant Denise Dallacosta R.N.'s Motion in limine to preclude plaintiff's informed consent claim	48
05/29/2019	Defendant Denise Dallacosta R.N.'s Motion in limine to preclude plaintiff's breach of express and implied warranties claim	49
05/29/2019	Defendant Denise Dallacosta R.N.'s Motion in limine relating to various matters	50
05/29/2019	Defendant Denise Dallacosta R.N.'s Motion in limine for a precharge	51
05/29/2019	Witness list  Applies To: Dallacosta R.N., Denise (Defendant)	52
05/29/2019	List of exhibits  Applies To: Dallacosta R.N., Denise (Defendant)	53
05/29/2019	Defendant Meredith Gilson M.D.'s Motion for voir dire questions to the jury	54
05/29/2019	Defendant Meredith Gilson M.D.'s Motion in limine regarding various matters	55
05/29/2019	Defendant Meredith Gilson M.D.'s Motion to require all counsel to identify trial witnesses with at least 24 hours advance notice	56
05/29/2019	Defendant Meredith Gilson M.D.'s Motion to dismiss all counts for alleged breach of warranty, lack of informed consent, and gross negligence	57

<u>Docket Date</u>	<u>Docket Text</u>	<u>File Ref Nbr.</u>
05/30/2019	Juror Voir Dire questions filed by: Defendant PMG Physician Associates, P.C.	58
05/30/2019	Brief filed: TRIAL  Applies To: PMG Physician Associates, P.C. (Defendant)	59
05/30/2019	List of exhibits  Applies To: PMG Physician Associates, P.C. (Defendant)	60
05/30/2019	Witness list  filed by defendant, PMG Physician Associates, P.C.  Applies To: PMG Physician Associates, P.C. (Defendant)	61
05/30/2019	Request for Jury instructions filed by Defendant PMG Physician Associates, P.C. PROPOSED	62
05/30/2019	Request for Jury instructions filed by Defendant PMG Physician Associates, P.C.  Applies To: PMG Physician Associates, P.C. (Defendant)	63
05/30/2019	Witness list  Applies To: Meredith Gilson M.D. (Defendant)	64
06/03/2019	Attorney appearance of John David Carucci, Esq. added as Private Counsel for Plaintiff David Lew Administrator	65
06/03/2019	Attorney appearance of Nicholas Daniel Cappiello, Esq. added as Private Counsel for Plaintiff David Lew Administrator	66
06/03/2019	Plaintiff David Lew Administrator's Motion in limine (second) as to various matter	67
06/03/2019	Plaintiff David Lew Administrator's Motion in limine to preclude reference to Lew family matters	68
06/03/2019	Plaintiff David Lew Administrator's Motion in limine to exclude and redact "manner of death" statements from the decedent's death certificate, autopsy report and notice of death, and to preclude any mention that Mr. Lew's death was deemed a "homicide"	69
06/03/2019	Plaintiff David Lew Administrator's Motion in limine to preclude evidence and testimony regarding individual habits	70
06/03/2019	Defendant PMG Physician Associates, P.C.'s Motion to Preclude Unqualified Medical Opinions and Hearsay Testimony	71
06/03/2019	Event Result:: Jury Trial scheduled on: 06/03/2019 09:00 AM 06/04/2019 09:00 AM 06/05/2019 09:00 AM 06/06/2019 09:00 AM Has been: Held as Scheduled Hon. Robert C Rufo, Presiding Staff: Scott W Nickerson, Clerk of Courts  Applies To: Lew Administrator, David (Plaintiff); Meredith Gilson M.D. (Defendant); Dallacosta R.N., Denise (Defendant); PMG Physician Associates, P.C. (Defendant); Hinchey, Esq., Edward Thomas (Attorney) on behalf of Dallacosta R.N., Denise (Defendant); Cohen, Esq., Ellen Epstein (Attorney) on behalf of Meredith Gilson M.D. (Defendant); Buoniconti, Esq., Daniel J (Attorney) on behalf of PMG Physician Associates, P.C. (Defendant); Pimentel, Esq., Megan Grew (Attorney) on behalf of Meredith Gilson M.D. (Defendant); Cappiello, Esq., Nicholas Daniel (Attorney) on behalf of Lew Administrator, David (Plaintiff); Carucci, Esq., John David (Attorney) on behalf of Lew Administrator, David (Plaintiff)	72
06/05/2019	Capias issued for failure to appear / perform.  Judge: Rufo, Hon. Robert C Applies To: Carr, Donna (Other interested party)	

**Case Disposition**

<u>Disposition</u>	<u>Date</u>	<u>Case Judge</u>
Active	06/19/2013	

